

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Genesis Global Holdco, LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 23-10063 (SHL)

Jointly Administered

SUPPLEMENTAL AFFIDAVIT OF SERVICE

I, Paul Pullo, depose and say that I am employed by Kroll Restructuring Administration LLC (“**Kroll**”), the claims and noticing agent for the Debtors in the above-captioned chapter 11 cases.

On August 17, 2023, at my direction and under my supervision, employees of Kroll caused the following document to be served first class mail on Wood Investment Partners, L.P., (ADRID: 12171253), whose name and address have been redacted in the interest of privacy:

- Affidavit of Ahmed Derar Islim, a copy of which has been attached hereto as **Exhibit A**

Dated: September 25, 2023

/s/ Paul Pullo
Paul Pullo

State of New York
County of New York

Subscribed and sworn (or affirmed) to me on September 25, 2023, by Paul Pullo, proved to me on the bases of satisfactory evidence to be the person who executed this affidavit.

/s/ OLEG BITMAN
Notary Public, State of New York
No. 01BI6339574
Qualified in Queens County
Commission Expires April 4, 2024

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's tax identification number (as applicable), are: Genesis Global Holdco, LLC (8219); Genesis Global Capital, LLC (8564); Genesis Asia Pacific Pte. Ltd. (2164R). For the purpose of these Chapter 11 Cases, the service address for the Debtors is 250 Park Avenue South, 5th Floor, New York, NY 10003.

Exhibit A

SRF 70211-72209

Applicants: Ahmed Derar Islim: 2nd: 31 May 2023

**IN THE GENERAL DIVISION OF THE HIGH COURT OF THE REPUBLIC OF
SINGAPORE**

In the matter of Part 11 of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018)

And

In the matter of Section 252 of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018)

And

In the matter of the Third Schedule of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018)

And

In the matter of Article 15 of the UNCITRAL Model Law on Cross-Border Insolvency

And

In the matter of the Appointment of Foreign Representative in the United States Bankruptcy Court in the Southern District of New York in Case No. 2310063 (Genesis Global Holdco, LLC (EIN 384058219)), jointly administered with Case No. 2310064 (Genesis Global Capital, LLC (EIN 371878564)) and Case No. 2310065 (Genesis Asia Pacific Pte. Ltd. (Singapore UEN No. 202002164R)) on 26 January 2023

And

HC/OA 400/2023

In the matter of **GENESIS ASIA PACIFIC PTE. LTD.**
(Singapore UEN No. 202002164R)

1. GENESIS ASIA PACIFIC PTE. LTD.

(Singapore UEN No. 202002164R)
(in its capacity as foreign representative of
Genesis Asia Pacific Pte. Ltd.)

2. GENESIS ASIA PACIFIC PTE. LTD.

(Singapore UEN No. 202002164R)

And

HC/OA 402/2023

In the matter of **GENESIS GLOBAL HOLDCO, LLC**
(United States Registration No. 38-4058219)

1. GENESIS ASIA PACIFIC PTE. LTD.

(Singapore UEN No. 202002164R)
(in its capacity as foreign representative of
Genesis Global Holdco, LLC)

2. GENESIS GLOBAL HOLDCO, LLC

(United States Registration No. 38-4058219)

And

HC/OA 403/2023

In the matter of **GENESIS GLOBAL CAPITAL, LLC**
(United States Registration No. 37-1878564)

1. GENESIS ASIA PACIFIC PTE. LTD.

(Singapore UEN No. 202002164R)
(in its capacity as foreign representative of
Genesis Global Capital, LLC)

2. GENESIS GLOBAL CAPITAL, LLC

(United States Registration No. 37-1878564)

... Applicant(s)

AFFIDAVIT

Name of Maker: Ahmed Derar Islim, (ID No. XXXXX3262)

Address: c/o 61 Robinson Road, #07-01, Singapore 068893

Occupation: Director

Description: On behalf of Applicants

I, **Ahmed Derar Islim, (ID No. XXXXX3262)**, c/o 61 Robinson Road, #07-01,

Singapore 068893, do hereby solemnly and sincerely affirm and say as follows:

1. I am a director of the Genesis Asia Pacific Pte. Ltd. ("GAP"), which was appointed by the United States Bankruptcy Court for the Southern District of New York pursuant to an Order of Court dated 26 January 2023 as foreign representative of GAP, Genesis Global Holdco, LLC and Genesis Global Capital, LLC ("GGC") in Singapore in connection with the Chapter 11 Cases (see the Recognition Affidavit, as defined below). I am duly authorised to make this affidavit on the Applicants' behalf.
2. On 8 May 2023, I affirmed my 1st affidavit (hereinafter referred to as the "**Recognition Affidavit**") filed in joint support of HC/OA 400/2023, HC/OA 402/2023 and HC/OA 403/2023. I crave leave to refer to the Recognition Affidavit.
3. Capitalised terms not otherwise defined in this affidavit shall have the meanings attributed to the same in the Recognition Affidavit.
4. Insofar as the matters deposed to herein are derived from my own personal knowledge, they are true. Otherwise, if they are derived from documents that

I have seen, or conveyed to me by other persons, they are true to the best of my knowledge, information, and belief.

5. I refer to my following statement made at paragraphs 47 to 48 of the Recognition Affidavit pursuant to Article 15(3) read with Article 17(1)(c) of the Model Law:

"47. I am advised and verily believe that under the regime provided by the IRDA, an application for recognition of foreign proceedings must be accompanied by a statement from the foreign representative identifying all foreign proceedings and proceedings under Singapore insolvency law in respect of the relevant debtor that are known to the said foreign representative. In this respect, I wish to state that I am aware of the following foreign proceedings and proceedings under Singapore insolvency law in respect of each of the Debtors:

(1) SEC v. Genesis Global Capital, LLC, No. 23-cv-00287 (S.D.N.Y. Jan. 12, 2023).

(2) Levin v. Genesis Global Capital, LLC, No. 22-cv-7249 (N.D. Ill. Jan. 31, 2023).

48. There are also confidential proceedings relating to two of the Debtors which I am unable to disclose details of publicly in this affidavit. A separate application will be filed for the sealing of these details that the Applicants seek to disclose in a subsequent affidavit. I shall leave it to my solicitors to elaborate more on this at the appropriate juncture."

(emphasis added)

6. I depose this affidavit to clarify the Applicants' position above in respect of Article 15(3) of the Model Law, as follows:

- (1) I am advised by my US counsel from Cleary Gottlieb Steen & Hamilton LLP that while the proceedings referred to at paragraph 47 of the Recognition Affidavit are litigious actions and proceedings involving GGC, they are not "*collective judicial or administrative proceeding[s] in a foreign State...under a law relating to insolvency or adjustment of debt in which proceeding[s] the property and affairs of [GGC are] subject to control or supervision by a foreign court, for the purpose of reorganisation or liquidation*" for the purposes of Article 15(3) of the Model Law.
- (2) Further, while two of the Applicants are also subject to proceedings (which remain confidential) in other jurisdictions, I am advised that such proceedings do not fall within the scope of Article 15(3) of the Model Law either.
- (3) I clarify that for the purposes of Article 15(3) of the Model Law, the Applicants are only subject to the Chapter 11 Cases. There are no other "*foreign proceedings*" or "*proceedings under Singapore insolvency law*" that are known to GAP as foreign representative of the Applicants as at the date of this affidavit.

7. I shall leave it to my Singapore solicitors to elaborate more on the above at the appropriate juncture.

Affirmed by the abovenamed)

AHMED DERAR ISLIM) 

On this 21 day of May 2023)

In New York, United States of America)

Before me,



A NOTARY PUBLIC

This Affidavit is filed on behalf of the Applicants.

DIANA KIM
NOTARY PUBLIC-STATE OF NEW YORK
No. 02KI6316748
Qualified in Kings County
My Commission Expires 12-22-2026